

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TERRY RICHARD MARTIN,	)	Case No. C06-891-RSL-JPD
	)	
Petitioner,	)	
	)	
v.	)	ORDER GRANTING PETITIONER'S
	)	MOTION FOR EXTENSION OF TIME
UNITED STATES OF AMERICA,	)	TO FILE RESPONSE
	)	
Respondent.	)	
_____	)	

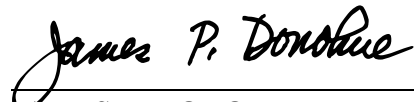
This matter comes before the Court on petitioner's motion for extension of time to file a response to respondent's answer to petitioner's 28 U.S.C. § 2255 petition. Dkt. No. 12. Petitioner argues that a ninety-day extension of time is necessary "in order to procure the balance of record including but not limited to the sentencing transcripts and co-defendant's David Jonas Smith['s] 28 U.S.C. § 2255 motion," and to prepare a proper response to respondent's answer. *Id.* Petitioner further notes that this request stems from his current recovery from cancer radiation treatment. *Id.* Respondent does not oppose petitioner's motion. After careful consideration of the motion, supporting materials, governing law and the balance of the record, the Court orders as follows:

(1) Petitioner's motion for extension of time to file a response (Dkt. No. 12) is GRANTED. Petitioner has shown that additional time is necessary under the circumstances. Furthermore, while the government has not asserted prejudice stemming from the lack of

01 notice of petitioner's motion, and the Court finds no such prejudice, the Court does remind  
02 petitioner that copies of such motions must be sent to the opposing party under the Local  
03 Rules of this district. That said, the Court finds that a ninety-day extension of time is  
04 reasonable. Accordingly, petitioner shall have until **January 2, 2007** to file his response.  
05 The respondent shall have until **January 8, 2007** to file an optional reply thereto. As a result,  
06 petitioner's 28 U.S.C. § 2255 motion is re-noted for **January 9, 2007**.

07 (2) The Clerk is directed to send a copy of this order to the parties and to the  
08 Honorable Robert S. Lasnik, Chief Judge.

09  
10 DATED this 27th day of September, 2006.

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13 JAMES P. DONOHUE  
14 United States Magistrate Judge  
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